

JUL 31 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

VICTOR VASQUEZ-DELGADO,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-71824

Agency No. A79-351-963

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006^{**}

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Victor Vasquez-Delgado, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

immigration judge's order denying his application for cancellation of removal.

We dismiss the petition for review.

Contrary to Vasquez-Delgado's contention, we lack jurisdiction to review the agency's discretionary determination that he failed to establish his United States citizen child would experience exceptional and extremely unusual hardship upon his removal. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 929-30 (9th Cir. 2005).

We also lack jurisdiction to review the agency's denial of voluntary departure. *See Gomez-Lopez v. Ashcroft*, 393 F.3d 882, 883-84 (9th Cir. 2005).

We do not consider whether Vasquez-Delgado established good moral character because his failure to establish the requisite hardship is dispositive. *See* 8 U.S.C. § 1229b(b)(1).

PETITION FOR REVIEW DISMISSED.